

Citizen Data

Joint Legislative Oversight Committee on Information Technology

February 6, 2014



FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

Session Law

INFORMATION TECHNOLOGY/PRIVACY PROTECTION OF CITIZEN DATA

SECTION 7.12. The Joint Legislative Oversight Committee on Information Technology (the Committee), in collaboration with the State Chief Information Officer (CIO), shall study establishing State requirements to safeguard the personal data of individuals collected and managed by all branches of State government. The study shall be conducted with the participation and assistance of agency CIOs selected jointly by the Committee and State CIO. The Committee may report any legislative proposals to the 2014 Regular Session of the 2013 General Assembly.

Why?

- Increasing amount of citizen data held by governments
- Need to earn and keep public trust
 - Control uses of data
 - Limit access
 - Prevent privacy breaches
- Need to establish governance
 - Technical and operational
 - Legal

Information Privacy

The claim of individuals, groups or institutions to determine for themselves when, how and to what extent information about them is communicated to others.

- International Association of Privacy Professionals

Personal Data

Any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly—in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

- International Association of Privacy Professionals

Examples of Personal Data

- Internet
- Entertainment
- Medical
- Financial
- Locational
- Residence/Geographical
- Political
- Educational
- Criminal Justice
- Ethnicity

PII

Personally Identifiable Information (PII) refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available — in any medium and from any source — that, when combined with other available information, could be used to identify an individual.

OMB Memorandum M-07-1616

Big Data

Big data is high-volume, high-velocity and high-variety information assets that demand cost-effective, innovative forms of information processing for enhanced insight and decision making.

Gartner

Big data is the term for a collection of data sets so large and complex that it becomes difficult to process using on-hand database management tools or traditional data processing applications.

Wikipedia

Issues

- Uses
- Value
- Ownership
- Privacy
- Participation/Awareness
- Retention
- Destruction
- Security



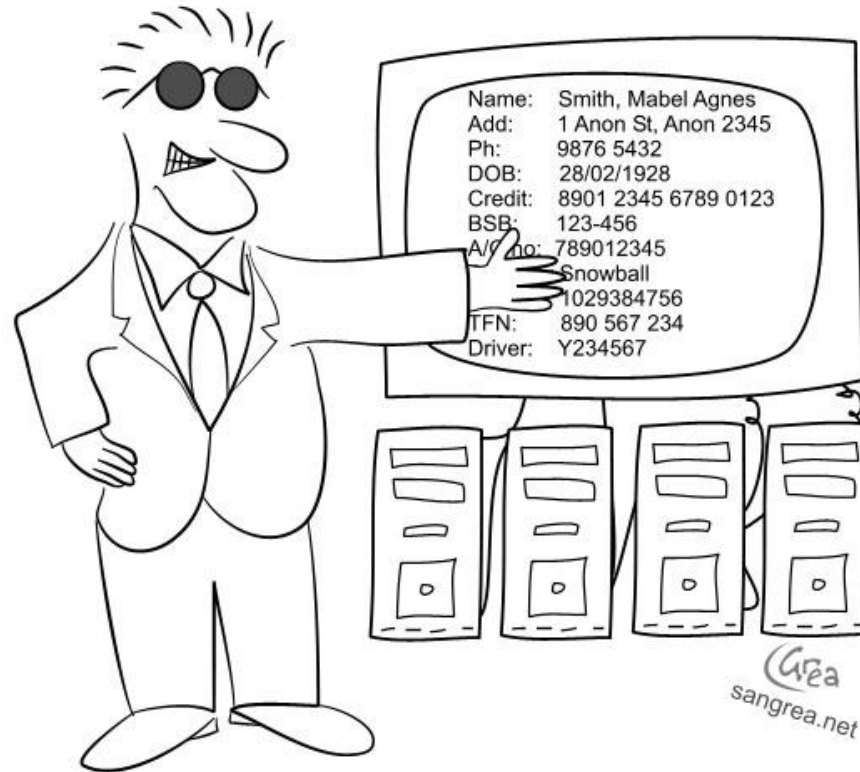
Uses Example-healthcare.gov

In order to verify and process applications, determine eligibility, and operate the Marketplace, we will need to share selected information that we receive outside of CMS, including to:

- 1. Other federal agencies, (such as the Internal Revenue Service, Social Security Administration and Department of Homeland Security), state agencies (such as Medicaid or CHIP) or local government agencies. We may use the information you provide in computer matching programs with any of these groups to make eligibility determinations, to verify continued eligibility for enrollment in a qualified health plan or Federal benefit programs, or to process appeals of eligibility determinations. Information provided by applicants won't be used for immigration enforcement purposes;**
- 2. Other verification sources including consumer reporting agencies;**
- 3. Employers identified on applications for eligibility determinations;**
- 4. Applicants/enrollees, and authorized representatives of applicants/enrollees;**
- 5. Agents, Brokers, and issuers of Qualified Health Plans, as applicable, who are certified by CMS who assist applicants/enrollees;**
- 6. CMS contractors engaged to perform a function for the Marketplace; and**
- 7. Anyone else as required by law or allowed under the Privacy Act System of Records Notice associated with this collection (CMS Health Insurance Exchanges System (HIX), CMS System No. 09-70-0560, as amended, 78 Federal Register, 8538, March 6, 2013, and 78 Federal Register, 32256, May 29, 2013).**

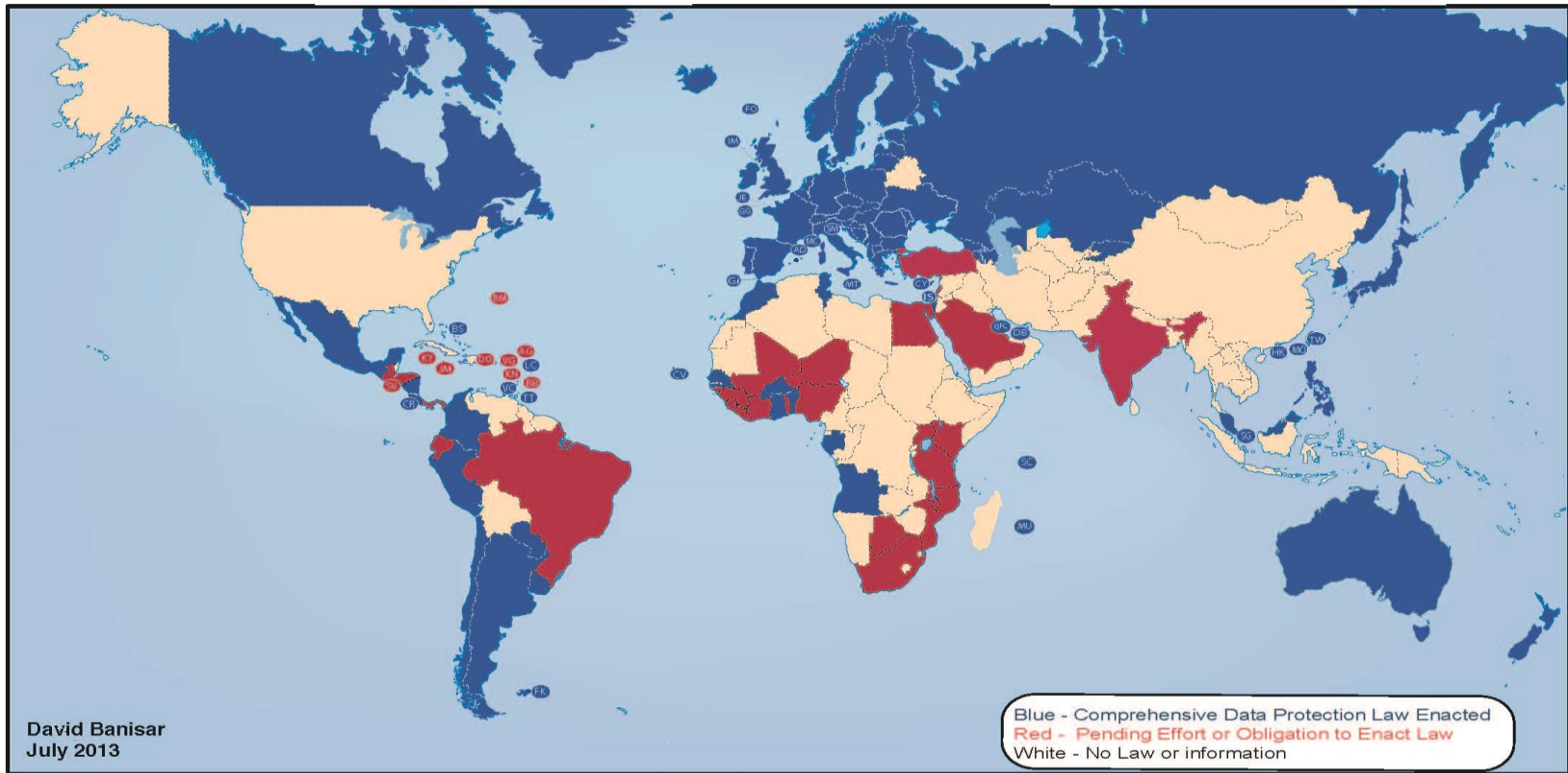
<https://www.healthcare.gov/individual-privacy-act-statement/>

Ownership/Value



Hey, wanna buy some data? Only slightly used!
Heap of clicks left in it. Its last owner was a
little old lady who only used it for shopping ...

National Comprehensive Data Protection/Privacy Laws and Bills 2013



Banisar, David, National Comprehensive Data Protection/Privacy Laws and Bills 2013 Map (July 7, 2013). Available at SSRN: <http://ssrn.com/abstract=1951416> or <http://dx.doi.org/10.2139/ssrn.1951416>

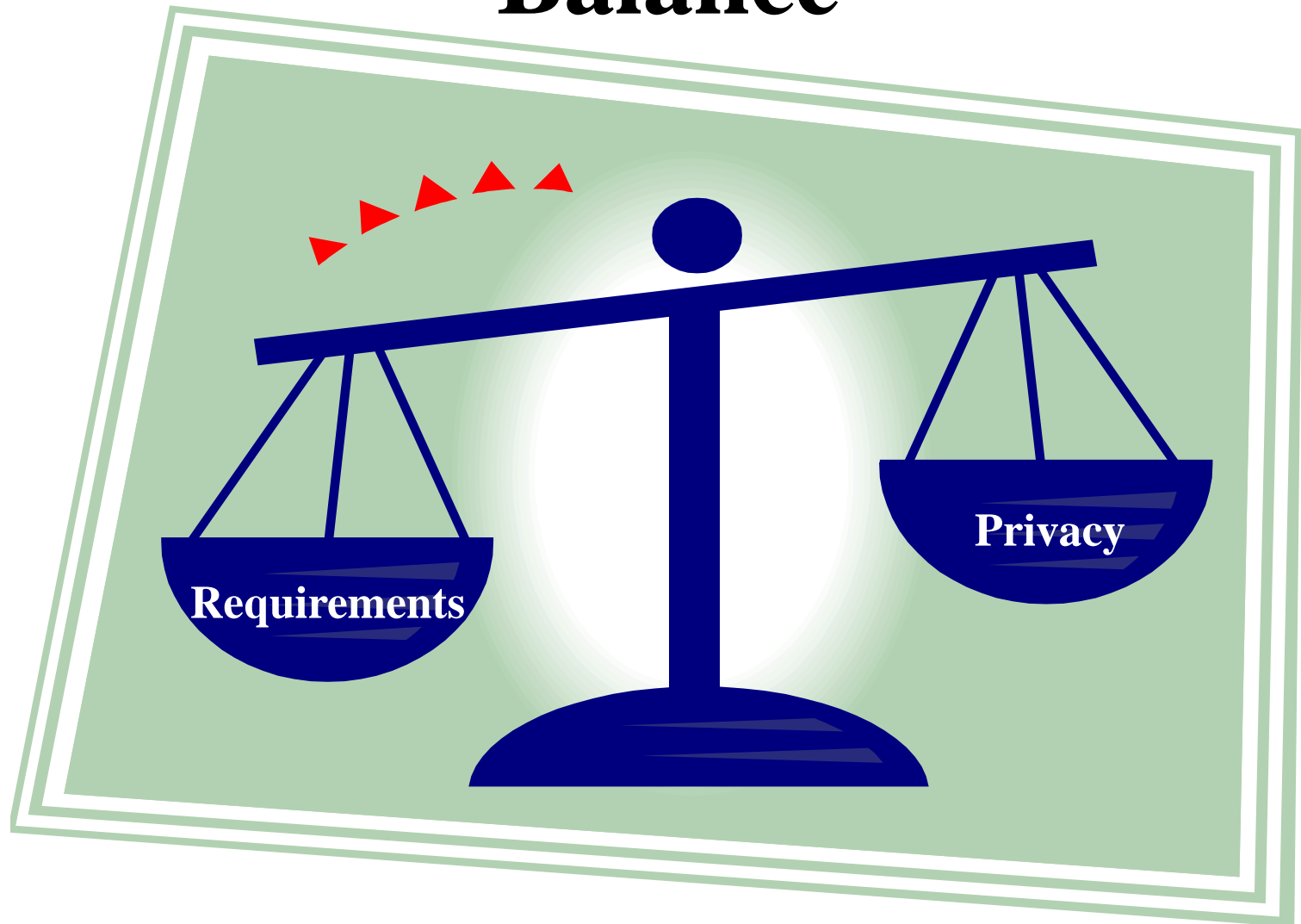
United States

- Federal laws
- Fair Information Practice Principles (FTC)
 - Notice/Awareness
 - Choice/Consent
 - Access/Participation
 - Integrity/Security
 - Enforcement/Redress
- Patchwork of state laws

Considerations

- Determine best interest of:
 - Citizens
 - State
- Determine how best to protect citizen data
 - Collection (Direct/Indirect)
 - Processing (Transmission, Analysis, Aggregation)
 - Uses
 - Disclosures
 - Retention
 - Destruction
- Consider value/benefit of data
- Address citizen awareness/access/participation

Balance



Timeline

Overview



Federal and State Law



North Carolina



Issues



Potential Changes



Legislation

Questions

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